

REMARKS

The Office Action dated July 27, 2007 sets a shortened statutory period to expire one month from the mailing date of the Office Action. Applicant believes that the indication of a one-month statutorily shortened period is in error because the Office Action is on the merits of the application. United States Patent and Trademark Office (USPTO) procedures set the shortened statutory period for Office Actions on the merits to three months from the mailing date of the Office Action. See MPEP 710.02(b). Accordingly, the due date for this response should be October 27, 2007, and a one-month extension of time, extending the period for response to November 27, 2007, is requested in an accompanying petition. However, if a further extension of time is required for acceptance of this submission, the further extension of time is hereby requested, and the USPTO is authorized to charge the necessary fees to the deposit account indicated in an accompanying transmittal letter.

Claims 1-12 and 17-26 were pending in the above-identified application when last examined and stand rejected. The rejection was made final. Applicant is submitting a Notice of Appeal with this Response to the Final Office Action and intend to submit an Appeal Brief if necessary at a later date. At this time, Applicant particularly wishes to address the restriction requirement in order to clarify which claims may be the subject of the appeal.

Claims 1-12 and 17-26 are subject to a restriction requirement. The Final Office Action indicates that claims 1-12 and 17-26 were drawn to three separate inventions respectively corresponding to claims 1-12 and 17-20 (Group I), claims 21-23 (Group II), and claims 24-26 (Group III). Applicant's prior prosecution of claims 1-12 and 17-20 constructively elected the subject matter of Group I for the present application. Applicant now traverses the restriction requirement and requests Groups II and III (claims 21-26) also be considered in the present application.

Groups II and III (claims 21-26) are directed to processes that can be applications of the product recited in elected Group I. In particular, independent claim 1, which is the base claim of Group I, is directed to a product that produces an output sequence simulating an input sequence. Independent claim 21, which is the base claim of Group II, is directed to a process in which the input sequence represents an image texture and the output sequence is used for a texture in an image. Independent claim 24 is directed to a process where the input

sequence if based on a first signal containing errors and the output sequence is the basis for a second signal for testing error correction. The product of claim 1 is capable of use for the processes of claims 21 and 24.

In the setting forth the restriction, the Examiner indicated, "The claims would require distinct searches in order to encompass the numerous distinct and different mathematical approaches for the simulation of the input sequences. Furthermore, the inventions as claimed do not encompass overlapping subject matter with respect to mathematical methods employed." Applicant respectfully disagrees. Claim 1 recites, "partitioning the input sequence into a partition including a set of substrings and a tail, wherein the substrings have lengths that are not all equal; and outputting the substrings in a random order to generate an output sequence." Claim 21 contains identical limitations. Claim 24 recites, "partitioning the input sequence into a partition including a set of substrings and a tail, wherein the substrings have lengths that are not all equal; randomly ordering the substrings into an output sequence." The claimed mathematical approaches are thus nearly identical and would not require distinct searches.

Applicant further notes that claim 11, which is in elected Group I and depends from claim 1, recites "generating the input sequence from an ordering of pixel values in a digital representation of a texture; and generating a digital representation of a simulation of the texture from the output sequence." The Examiner has already searched for prior art related to claim 11, and the search covering claim 11 also covers similar subject matter found in Group II.

Claim 12, which is in elected Group I and depends from claim 1, recites "generating the input sequence from measurements of a first system; and using the output sequence for testing of a second system." The search covering claim 12 should cover the similar subject matter found in Group III.

Applicant finally notes that the Examiner designated all of the groups of claims as being directed to the same class and subclass (class 703, subclass 2).

In view of the above, a search covering the subject matter of Groups I, II, and III would not place an undue burden on the Examiner. Applicant therefore requests that claims 1-12 and 17-26 be considered in the present application.

Claim 2 was objected to as not referring to a preceding claim. In the objection to claim 2, the Final Office Action refers to MPEP 608.01(n). MPEP 608.01(n) cites 37 CFR

1.75(c), which refers to claims submitted with the specification. However, claims amended during prosecution are permitted to depend from subsequent claims. MPEP 608.01(n) specifically states, "During prosecution, the order of claims may change and be in conflict with the requirement that dependent claims refer to a preceding claim. Accordingly, the numbering of dependent claims and the numbers of preceding claims referred to in dependent claims should be carefully checked when claims are renumbered upon allowance." (See the fourth from last paragraph of MPEP 608.01(n).) Applicant therefore requests withdrawal of the objection to claim 2.

Claims 1-10 and 17-20 were rejected under 35 U.S.C. § 102(b) as anticipated by S.A. Savari, "Renewal Theory and Source Coding," Proceedings of the IEEE 88(11), pp 1692-1702, (2000) herein after Savari. Applicant respectfully traverses the rejection of claims 1-10 and 17-20. As noted in response to the prior Office Action, Savari is directed to coding of data and fails to disclose or suggest simulating a sequence. Rather than repeating Applicant's previous remarks, Applicant requests reconsideration of the remarks regarding Savari and the pending claims that were presented in the Applicant's Response dated April 26, 2007. Applicant further requests withdrawal of the rejection of claims 1-10 and 17-20.

Claim 11 was rejected under 35 U.S.C. § 103(a) as unpatentable over Savari in view of F. Sakarya, D. Wei, and S. Emek, "An Evaluation of SAR Image Compression Techniques," 1997 IEEE International Conference on Acoustics, Speech, and Signal Processing (ICASSP'97) - Volume 4, p. 2833, hereinafter Sakarya. Applicant respectfully traverses the rejection. Sakarya is directed to compression. The combination of Savari and Sakarya is therefore directed to encoding or compression, not to generating a simulated sequence. Accordingly, claims 1 and 11 are patentable over the combination of Savari and Sakarya, and Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. § 103.

Claim 12 was rejected under 35 U.S.C. § 103(a) as unpatentable over Savari in view of El-Maleh et al., "A Geometric Primitives Based Compression Scheme for Testing Systems on a Chip," IEEE (2001), herein after El-Maleh. Applicant respectfully traverses the rejection of claim 12. El-Maleh is directed to methods for compressing test data used, for example, in built-in self-tests in integrated circuits, and El-Maleh is cited in the Office Action for

disclosing the combination of on-chip testing and compression. However, the combination of Savari and El-Maleh is directed to encoding or compression, not generating a simulated sequence. Accordingly, claims 1 and 12 are patentable over the combination of Savari and El-Maleh, and Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. § 103.

In summary, claims 1-12 and 17-26 were pending in the application. For the above reasons, Applicant respectfully requests withdrawal of the restriction requirement and allowance of the application including claims 1-12 and 17-26. Please contact the undersigned attorney at (530) 621-4545 if there are any questions concerning this document.

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Respectfully submitted,



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